

**JUDICIAL COUNCIL MEETING  
Minutes**

**April 22, 2024**

**Meeting held through Webex  
and in person**

**Matheson Courthouse  
450 S State Street  
Salt Lake City, UT 84111**

**9:00 a.m. – 12:30 p.m.**

***Judge David Mortensen, Vice Chair, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Keith Barnes  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Jon Carpenter  
Hon. Samuel Chiara  
Hon. Michael DiReda  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. James Gardner  
Hon. Elizabeth Lindsley  
Hon. Thomas Low  
Judge Amber Mettler  
Justice Paige Petersen

**Guests:**

Judge Janet Elledge  
Judge Jaime Topham

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Michael Drechsel  
Jim Peters  
Nick Stiles  
Sonia Sweeney  
Hilary Wood  
Keisa Williams

**Excused:**

Margaret Plane, esq.

**Presenters:**

Alisha Johnson  
Jessica Leavitt  
Cade Stubbs  
Karl Sweeney  
Judge Jennifer Valencia

**1. WELCOME AND APPROVAL OF MINUTES: (Judge David Mortensen)**

Judge David Mortensen welcomed everyone to the meeting, and asked if there were any questions or comments on the previous month's minutes. There were none.

**Motion:** Judge Paul Farr made a motion to approve the March 14, 2024 Judicial Council meeting minutes. Judge Amber Mettler seconded the motion, and the motion passed unanimously.

## **2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**

The Courts' Human Resources (HR) department has been preparing materials and processes to implement the \$1.6M the judiciary received in pay for performance money, which will be taking place primarily during the month of May 2024. HR has put a system in place that will establish consistency in the way employee performance is evaluated statewide.

Ron Gordon consulted with Chief Justice Matthew Durrant regarding district and legislative visits around the state. Moving forward, district meetings with legislators will be held every other year in odd-numbered years, unless there is a reason to hold a district visit in consecutive years. Mr. Gordon will plan his district visits with judges and employees during the even-numbered years.

## **3. INTRODUCTION OF NEW JUDGES: (Ron Gordon)**

Mr. Gordon introduced two new Justice Court Judges, Judge Janet Elledge and Judge Jaime Topham. Judge Elledge serves in the Summit County Justice Court in Park City. She was sworn in at the end of January 2024 and started on February 6th, 2024. She was previously a prosecutor in the Summit County Attorney's Office, so she has been practicing in that court for several years now. Judge Jaime Topham is a Justice Court Judge in Grantsville City. She started in January 2024 as well and still practices as a full-time family law attorney.

Judge Mortensen welcomed them both to the judiciary.

## **4. COMMITTEE REPORTS:**

### **Management Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Budget & Fiscal Management Committee Report:**

The work of the committee will be discussed later in the meeting.

### **Liaison Committee Report:**

Michael Drechsel reported that the Legislative Management Committee met last week, and the other legislative committees will start meeting on May 16 and 17, 2024 to explore potential topics for the 2025 legislative session.

### **Policy, Planning, and Technology Committee Report:**

Judge James Gardner reported that the language regarding notice about the manner of appearance will be removed from the rules of procedure and will be discussed by the Policy, Planning, and Technology Committee to be included in the Code of Judicial Administration.

### **Bar Commission Report:**

Margaret Plane was not present.

## 5. BUDGETS AND GRANTS: (Karl Sweeney, Alisha Johnson)

Alisha Johnson presented the budgets and grants information to the group, and added that all of the requests for carryforward and ongoing funding will be presented to the Judicial Council meeting at the next meeting in May 2024.

### FY 2024 Ongoing Turnover Savings

#	Funding Type	Actual Amount YTD	Forecasted Amount @ YE
	Internal Savings	(54,820.52)	(54,820.52)
	Internal Savings	929,537.90	929,537.90
1	Internal Savings	-	150,000.00
		874,717.38	1,024,717.38
2		(192,568.23)	(200,000.00)
		(192,568.23)	(200,000.00)
3		682,149.15	824,717.38

*Prior Report Totals (as of 02/29/2024, with the contingent amount removed)*      492,048.35      580,683.64

### FY 2024 One-Time Turnover Savings

#	Funding Type	Actual Amount
1	Internal Savings	984,213.02
2	Reimbursements	583,335.99
3	Internal Savings (Est.)	600,000.00
<b>Total Potential One Time Savings</b>		<b>2,167,549.01</b>

*Prior Report Totals (as of PPE 2/16/2024)* \$      2,271,885.75

### FY 24 Forecasted Available One-time Funds

Description	Funding Type	Amount
<b>Sources of YE 2024 Funds</b>		
* Turnover Savings as of PPE 03/15/2024 (including anticipated ARPA reimbursement)	Turnover Savings	1,567,549
** Turnover savings Estimate for the rest of the year (\$1,000 x 600 pay hours)	Turnover Savings	600,000
<b>Total Potential One Time Turnover Savings</b>		<b>2,167,549</b>
Less: Legislative Cut to Budget Savings		(600,000)
<b>(a) Total Potential One Time Turnover Savings Less LFA Recommendations</b>		<b>1,567,549</b>
<i>Operational Savings From TCE / AOC Budgets - Forecasted</i>	<i>Internal Operating Savings</i>	<i>635,244</i>
<i>Unused Carryforward Request - Webex Virtual Hearing Improvement</i>	<i>Unused Carryforward</i>	<i>150,000</i>
<i>Reserve Balance (balance from FY 2023 Carryforward)</i>	<i>Judicial Council Reserve</i>	<i>52,997</i>
<i>Anticipated Reserve Uses - including previously approved and pending requests</i>	<i>Jud. Council Reserve Uses</i>	<i>-</i>
<b>(b) Total Operational Savings and Reserve</b>		<b>838,241</b>
<b>(c) Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		<b>2,405,790</b>
<b>Legislative Supplemental Funding:</b>		
American Fork Lease Increases (originally a carryforward request for FY 2024)	Legislative Contingent	389,000
<b>(d) Subtotal - Legislative Supplemental Funding</b>		<b>389,000</b>
Potential Use of Credit Card Charge Fund (CCCF)		TBD
<b>Uses of YE 2024 Funds</b>		
(e) Carryforward into FY 2025 (Anticipate request to Legislature for \$3,200,000)	Pre-Covid Carryforward	(2,500,000)
<b>Total Potential One Time Savings = (c) + (d) less Carryforward (e)</b>		<b>294,790</b>
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(587,450)</b>
<b>Remaining Forecasted Funds Available for FY 2024 YE Spending Requests</b>		<b>(292,660)</b>

Updated 04/02/2024

**6. ALTERNATIVE DISPUTE RESOLUTION (ADR) COMMITTEE REPORT:  
(Judge Adam Mow, Nini Rich)**

Judge Adam Mow and Nini Rich presented the annual ADR Committee report. The Committee focused this past year on doing judicial settlement conference trainings for the District Court judges, and were able to train 32 judges. Judge Mow added that this year, the Committee is focused on two areas. The first is to help new mediators attain the observation requirement to get on the court mediation roster by partnering with the Utah Council on Conflict Resolution to help facilitate the observations. The second area of focus is to look at the influence of AI in mediation, and to update the Utah Mediation Best Practices Guide.

**7. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT:  
(Mary-Margaret Pingree, Gil Miller, Jamie Nelson)**

Mary-Margaret Pingree introduced Gil Miller, current chair of JPEC, and Jamie Nelson, who supervises the Courtroom Observation Program and is a PhD student at the University of Utah. JPEC is nearly done with the most recent deliberations. Mr. Miller talked about some of the insights from this evaluation cycle, and added that this year's evaluation cycle went very smoothly.

Ms. Pingree discussed a summary of themes identified in the 2024 survey results. This year, JPEC conducted a pilot project focused on addressing score discrepancies between judges with and without juries. Because judges with few or no jurors are at a scoring disadvantage in the evaluation process, JPEC tested a normalization process that was designed to equalize scoring for all judges. The results showed that there was a lot of success in JPEC's approach to normalization and the overall scores for judges were adjusted to eliminate the disadvantages for judges who don't receive evaluations from jurors. Mr. Miller stated that JPEC will most likely move forward with this process for the next evaluation cycle.

**8. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs, Jessiva Leavitt)**

Jessica Leavitt gave an update on the Language Access Committee, which welcomed two new members this past year, Judge Blaine Rawson and Judge Patricia Bradshaw. She added that the Committee has focused heavily on hiring staff interpreters over the past month and were able to hire five so far - one certified interpreter in the 5th District, three in the 3rd District, and one internal candidate who was offered a staff interpreter position as well.

Ms. Leavitt discussed the work of the Committee in 2023:

- Outreach in Spanish media (85 applicants)
- Rural Incentive of \$4 above hourly fee
- Interpreter scheduler system
- 2 hour minimum
- Working with institutions of higher education (USU, Weber)

The Committee worked with the Office of Fairness and Accountability, the Language Access Program, and Finance to approve these items to be included in the legislative request, and were able to secure funding to implement the changes.

Mr. Gordon added there are some states that have alternative paths to court interpreter licensure, and that the AOC will continue to explore alternative licensing options for interpreters in the Utah judiciary.

Cade Stubbs thanked Ms. Leavitt for her hard work in gathering information in preparation to hire staff interpreters.

**9. UNIFORM FINE COMMITTEE REPORT: (Judge Jennifer Valencia, Michael Drechsel)**

Judge Jennifer Valencia expressed appreciation for Michael Drechsel and the value he has added staffing the Uniform Fine Committee. She explained the changes to the uniform fines that resulted from the legislative session this year and asked for approval from the Council.

**Motion:** Judge Michael DiReda made a motion to approve the revisions to the Uniform Fine schedules with their respective effective dates, as presented. Judge Chiara seconded the motion, and the motion passed unanimously.

**10. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Morgan Cummings, Jim Peters)**

Jim Peters and Judge Morgan Cummings presented an overview of Utah's Justice Courts, including an update on clerk certification program development with the Justice Court clerks. All 400 clerks have completed the training required through September 2023.

The Board of Justice Court Judges requested ongoing authority to suspend CORIS access for those clerks who are not in compliance with their clerk certification.

**Motion:** Judge Gardner made a motion to approve the request to grant the Board of Justice Court Judges ongoing authority to suspend CORIS access for clerks who are not in compliance with their clerk certification. Judge Farr seconded the motion, and the motion passed unanimously.

Judge Morgan Cummings presented some information on the history of Justice Court reform, what has been accomplished so far, and discussed some concerns from the Justice Court bench regarding the reform. He expressed a desire to remain engaged with the Judicial Council through the reform process, and to be able to make suggestions as they come up. Council members expressed support for ongoing communication and input from the Board of Justice Court judges.

**11. CERTIFICATION OF NEW JUSTICE COURT JUDGE: (Jim Peters)**

Spencer Banks, who has been through the new judge orientation and passed the exam and background check, was selected by the City of Murray to replace Judge Thompson, who will age off the bench in a couple of days. Jim Peters requested that the Council certify him as Murray City's new Justice Court Judge.

**Motion:** Judge Farr made a motion to certify Spencer Bates as Murray City's new Justice Court Judge. Judge Thomas Low seconded the motion, and the motion passed unanimously.

**12. RULES FOR FINAL APPROVAL: (Keisa Williams)**

Rules CJA 3-201 and 1-201 are back from a 45-day public comment period, and no comments were received. The Policy, Planning & Technology Committee (PP&T) recommended that the rules be adopted as final with a May 1, 2024 effective date.

PP&T has recommended that Rules CJA 4-601 (Repeal), 2-212, and 4-907 be approved on an expedited basis with a May 1, 2024 effective date, followed by a 45-day public comment period.

**Motion:** Judge Gardner made a motion to approve the Rules for final approval as presented. Judge Samuel Chiara seconded the motion, and the motion passed unanimously.

**13. TREATMENT COURT RECERTIFICATION: (Katy Collins)**

Katy Collins presented each of the treatment courts that are recommended for recertification. Ms. Collins included a request from Judge Torgerson for an exception to continue the 7th District Treatment Court operation, though the participant numbers are lower than the requirement due to the rural nature of the district.

**Motion:** Judge Jon Carpenter made a motion to approve the recertification of all of the Treatment Courts as presented, including Judge Torgerson's request for an exception to continue operation in the 7th District Treatment Court as their participation number is typically below the criteria minimum of 35, averaging eight to ten participants. Judge Gardner seconded the motion, and the motion passed unanimously.

**14. NEW TREATMENT COURT: (Judge Bryan Memmott, Katy Collins, Joan Dailey)**

Judge Bryan Memmott and Joan Dailey reported that Riverdale City will not be continuing their Treatment Court operation as of the end of June 2024. Judge Memmott and Ms. Daily have drafted an application to expand the Riverdale Misdemeanor Drug Court to include all Justice Courts in Weber County and to be renamed as the Weber Misdemeanor Substance Abuse Court (WMSAC). If approved, Ms. Dailey will continue to provide support and technical assistance on the expansion of the court. Judge Memmott stated that they don't anticipate any additional cost burden on any of the other Justice Courts, but that they will need to secure funding over the next year to continue Ms. Dailey's position. If approved, he would like to start the renamed WMSAC in July 2024 in the Ogden Justice Courthouse.

**Motion:** Judge Carpenter made a motion to approve the new Weber Misdemeanor Substance Abuse Court, as presented. Judge Brian Brower seconded the motion, and the motion passed unanimously.

**15. OLD BUSINESS/NEW BUSINESS: (All)**

There was no old or new business.

**Motion:** Judge Mettler made a motion to move into an executive session. Judge Farr seconded the motion, and the motion passed unanimously.

## **16. EXECUTIVE SESSION**

An executive session was held. After the Council returned to an open session, Judge Farr made the motion outlined below.

**Motion:** Judge Farr made a motion that Judge Elizabeth Lindsley meets qualifications for an appointment as an active senior judge and that the Council recommends the appointment as an active senior judge upon retirement. Judge Gardner seconded the motion, and the motion passed unanimously.

## **17. ADJOURN**

The meeting adjourned.

## **CONSENT CALENDAR ITEMS**

1. Forms Committee Forms for Approval